

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIANE M. ZIRNHELT,

Plaintiff,

vs.

Case No. 04-CV-70619;
HON. GEORGE CARAM STEEH

MICHIGAN CONSOLIDATED GAS CO. et al.,

Defendant.

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JUDGMENT

Pursuant to the court's order of even date granting defendants' motion for summary judgment as to plaintiff Diane Zirnhelt's claims that she is vested in defendant Retirement Plan and that the Retirement Plan violates 29 U.S.C. § 1053 of the ERISA, and denying defendants' motion for summary judgment as to plaintiff's claim for a penalty award under 29 U.S.C. § 1132(c)(1)(B) and granting summary judgment in favor of plaintiff and against defendant Pochini in the amount of \$10,500.00 on the § 1132(c)(1)(B) claim,

IT IS ORDERED AND ADJUDGED that judgment hereby is entered in favor of the defendants and against plaintiff as to Counts I and II, and Counts I and II are hereby DISMISSED with prejudice. IT IS FURTHER ORDERED AND ADJUDGED that judgment is hereby entered in favor of plaintiff Diane Zirnhelt and against defendant Plan Administrator Elizabeth Pochini in the amount of \$10,500.00 on Count III alleging liability under § 1132(c)(1)(B).

Dated at Detroit, Michigan, November 1, 2006.

DAVID J. WEAVER
CLERK OF THE COURT

BY: s/Josephine Chaffee
DEPUTY COURT CLERK

CERTIFICATE OF SERVICE

Copies of this Judgment were served on the attorneys of record on November 1, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee

Deputy Clerk